

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TOM PATTI, ET AL.,)
Plaintiffs)
)
v.) C.A. 09-cv-30017-MAP
)
SEAN JOHN COMBS, ET AL.,)
Defendants)

MEMORANDUM AND ORDER REGARDING
DEFENDANTS' MOTION FOR CLARIFICATION
(Dkt. No. 65)

July 29, 2010

PONSOR, D.J.

Defendants' have submitted a letter seeking clarification of a confusing ruling by the court issued on July 26, 2010. In that order, the court allowed Defendants' Motion for Summary Judgment as to Counts II and III, but denied it as to Count I. As Defendants point out, the Amended Complaint contains four counts, the first two asserting copyright violations anchored on two separate creative works by Plaintiff, the third asserting a claim for violation of the Lanham Act, and the fourth seeking damages for common law unfair competition.

It was the court's intent to deny summary judgment as to the copyright claims, which it assumed were contained in one count, and allow summary judgment as to the claims for the Lanham Act violation and unfair competition.

Defendants' letter resourcefully suggests that the court

might want to stick with its allowance of the motion as to Count II, relating to one of Plaintiffs' creative works. This is understandable, but it is not what the court intended.

With thanks for Defendants' alert notification, and to avoid any confusion, the court hereby **ALLOWS** Defendants' Motion for Clarification (Dkt. No. 65), and **AMENDS** its summary judgment ruling as follows: Defendant's Motion for Summary Judgment (Dkt. No. 28) is **DENIED** as to Counts I and II, and **ALLOWED** as to Counts III and IV.

It is So Ordered.

/s. Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge